

YOSHIURA et al.

Appl. No. 10/035,159

Amendment dated March 20, 2009

Response to Office Action dated December 22, 2008

REMARKS

Upon entry of this amendment, claims 1-15, 17-19, 23-31, 33, 35, 37-40, 43 and 44 are pending in the application. By the present amendment claims 1, 13, 17, 23, 31, 33, 35, 37, 39 and 43 are amended, claim 44 is added and claim 16 is canceled without prejudice or disclaimer as to the subject matter contained therein. Favorable reconsideration of the application is respectfully requested.

The rejection of claims 1-19, 23-31, 33, 35, 37-40 and 43 under 35 U.S.C. §103(a) over Salvo et al. (U.S. Patent No. 6,341,271, hereinafter “Salvo”) in view of Huberman (U.S. Patent No. 6,078,906) is respectfully traversed. Without acquiescing in the rejection, it is noted that the independent claims have been amended and claim 16 has been canceled without prejudice or disclaimer.

Salvo is directed to an inventory management system and method that purportedly automatically monitors inventory amounts, provides information concerning inventory, and decides if an order for replacement inventory should be placed. The system includes a controller for receiving information from different inventory suppliers and integrating such information with information on current inventory amounts and estimated future use to decide if an order for replacing inventory should be made.

There is no teaching or suggestion in Salvo of using a presumed time of life of an article, and subtracting from this presumed time of life a purchase time that

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includes an auction period, a period of business discussions and a delivery time.

Moreover, Salvo is not directed to a complex digital machine. Instead, it is directed to keeping supplies of inventory in a silo of a larger manufacturing operation replenished. The claimed invention, on the other hand, is directed to a system within the digital complex machine itself.

The claimed invention specifically recites an arrangement that presumes a time when the life of the article required for maintenance of a digital complex machine will end, and generates purchase information at a time calculated by subtracting from the presumed time a purchase time required between transmission of the purchase information by the communication section and reception of a delivery of the article.

In complete contrast, the technique disclosed in Salvo relates to inventory management of materials consumed at a manufacturing process, and does not relate to a maintenance article. Thus, there can be no teaching in Salvo of the specifically claimed feature of presuming a time of life of an article required for maintenance of a digital complex machine, or when that time of life will end. Additionally, there is no teaching or suggestion in Salvo of a reverse auction, and thus Salvo does not teach or suggest generating purchase information at a time that takes into account an auction period.

YOSHIURA et al.

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The Office Action cites to Huberman in an effort to overcome this fundamental deficiency of Salvo. However, this combination also fails. Huberman is directed to a reverse auction for document services, and does not relate in any way to the purchase of a depleting maintenance article. Thus, Huberman does not disclose or teach anywhere the feature of presuming a time of life when an article required for maintenance will end, and thus cannot disclose or suggest generating purchase information at a time calculated by subtracting from the presumed time of life of a maintenance article the variously claimed times, e.g., transmission of purchase information, reception of delivery of the article, auction period, period of business discussions and delivery time.

In addition, the claims specifically recited feature of informing a specific wholesale shop to provide the article to the user of the digital complex machine when no dealer satisfies a predetermined standard value. Among other advantages, this feature provides the advantage of getting a low price for the article, and even when no dealer satisfies the predetermined standard value, the system and method nevertheless will provide the article to ensure operation of the digital complex machine. There is simply no teaching or suggestion in either reference of this specifically claimed feature.

As set forth above, even if, *arguendo*, the combination of Salvo and Huberman were proper, the proposed combination nevertheless fails to render the

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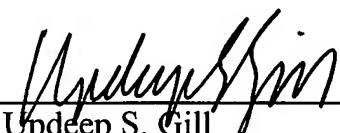
claimed invention obvious. Neither reference overcomes the fundamental deficiencies of the other. Therefore, it is respectfully submitted that neither of the references, either singly or in combination, renders the claimed invention obvious. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing, it is respectfully submitted that the entire application is in condition for allowance. Favorable reconsideration of the application and prompt allowance of the claims are earnestly solicited.

Should the Examiner deem that further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,
NIXON & VANDERHYE P.C.

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